

Genentech, Inc.  
Genentech, Inc.  
Genentech, Inc.  
**Genentech, Inc.**  
Genentech, Inc.

**FACSIMILE TRANSMITTAL**

1 DNA WAY  
South San Francisco, CA 94080  
(650) 225-1994  
Facsimile: (650) 952-9881

DATE: May 12, 2003

Please deliver the following IDS transmittal, with PTO-1449 as requested by the examiner to:

NAME: Examiner Anne Holleran - Group Art 1642  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax No.: (703) 746-4989

FROM: Wendy Lee  
Registration No.: 40,378

RE: U.S. Serial No.: 09/602,800  
Our Docket No.: P1760R1

Number of Pages including this cover sheet - 9

**Certificate of Facsimile Transmission Under 37 CFR § 1.8**

In accordance with CFR § 1.6(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 746 4989

**CONFIDENTIAL NOTE**

The documents accompanying this facsimile transmission contain information from GENENTECH, INC. which is confidential or privileged. The information is intended only for the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us and the retransmission of them to the intended recipient.

If you do not receive all pages, please notify Wendy Lee at (650) 225-1994.

MAY-12-2003 07:51 FROM: GENENTECH LEGAL 650 952 9881

TO: 917037464989

P: 2/9

05/08/03 FRI 14:38 FAX 703 418 2768

HOFF WASS GIT

002

In re Application of: David B. Agus et al.  
Serial No.: 09/102,800  
Filed On: June 23, 2000  
Hand Delivered On: May 9, 2003

Docket No.: P1760R1  
By: Wendy Lee  
Reg. No.: 40,378

The following has been received in the U.S. Patent Office on the date stamped:

☒ Supplemental Information Disclosure Statement (dup)  
☒ Form 1449 with 88 References  
☒ Certificate of Hand Delivery  
☒ Fees: \$ 180

RECEIVED  
TECH. DIV. 1  
JUN 11 - 9 2003

Patent Docket P1760R1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  David B. Agus et al.  Serial No.: 09/602,800  Filed: June 23, 2000  For: TREATING PROSTATE CANCER WITH ANTI-ErbB2 ANTIBODIES	Group Art Unit: 1642  Examiner: Anne Holleran   <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">Certificate of Hand Delivery</p> <p>I hereby certify that this correspondence is being hand delivered to Examiner  <u>Anne Holleran</u>  May <u>14</u>, 2003</p> </div>
---	--

#  
20  
KD  
5-14-03

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

- ☐ 37 CFR §1.97(b)
- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); or
  - within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, or
  - before the mailing of the first Office action on the merits; or
  - before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.
- ☒ 37 CFR §1.97(c)
- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) or a statement as specified in 37 CFR §1.97(e), as checked below.
- ☐ 37 CFR §1.97(d)
- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) and a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR

05/15/2003 KDOWNING 00000001 01 FC:1806 180.00

§1.97(e) may need to be completed.]

- ☐ 37 CFR §1.97(e) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ 37 CFR §1.704(d) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☒ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application. Serial No. 60/141,315, filed June 25, 1999 and relied upon in this application for an earlier filing date under 35 USC §120.

☐ BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1 - A-()" (nucleotide) and "BLAST Results B-1 - B-()" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed item(s) [Required]

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as

a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: May 5, 2003

By: Wendy Lee

Wendy Lee

Reg. No. 40,378

Telephone No. (650) 225-1994



09157

PATENT TRADEMARK OFFICE